

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JOSEPH HAVERL,</b>	:	<b>CIVIL ACTION NO. 1:20-CV-2361</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>HOWMEDICA OSTEONICS CORPORATION d/b/a STRYKER ORTHOPEDICS and OSARTIS GMBH f/k/a AAP BIOMATERIALS GMBH,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 20th day of October, 2021, upon consideration of the motion (Doc. 27) to dismiss filed by defendant Howmedica Osteonics Corporation (“Howmedica”) pursuant to Federal Rule of Civil Procedure 12(b)(6) filed March 26, 2021, and further upon consideration of plaintiff’s second amended complaint (Doc. 42) filed October 20, 2021, and the court observing that an amended pleading, unless it “specifically refers to or adopts the earlier pleading,” supersedes the original as the operative pleading for the lawsuit, W. Run Student Hous. Assocs., LLC v. Huntington Nat’l Bank, 712 F.3d 165, 171 (3d Cir. 2013) (quoting New Rock Asset Partners, L.P. v. Preferred Entity Advancements, Inc., 101 F.3d 1492, 1504 (3d Cir. 1996)); see also 6 CHARLES ALAN WRIGHT AND ARTHUR MILLER, ET AL., FEDERAL PRACTICE AND PROCEDURE § 1476 (3d ed. 2018), and the court thus finding that the

amended complaint renders the original complaint a legal nullity, it is hereby

ORDERED that:

1. Defendant's motion (Doc. 27) to dismiss the first amended complaint (Doc. 25) is DENIED as moot and without prejudice.
2. Defendant shall respond to the second amended complaint (Doc. 42) in accordance with the Federal Rules of Civil Procedure.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner  
United States District Judge  
Middle District of Pennsylvania